

SENATE AMENDMENTS

2nd Printing

By: Smithee

H.B. No. 2776

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the right of certain appellants to supersede a judgment
3 or order on appeal.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 22.004, Government Code, is amended by
6 adding Subsection (i) to read as follows:

7 (i) The supreme court shall adopt rules to provide that the
8 right of an appellant under Section 6.001(b)(1), (2), or (3), Civil
9 Practice and Remedies Code, to supersede a judgment or order on
10 appeal is not subject to being counter-superseded under Rule
11 24.2(a)(3), Texas Rules of Appellate Procedure, or any other rule.

12 SECTION 2. The Texas Supreme Court shall adopt the rules
13 required by Section 22.004(i), Government Code, as added by this
14 Act, before May 1, 2018.

15 SECTION 3. This Act takes effect September 1, 2017.

ADOPTED

MAY 23 2017

Lataj Spaw
Secretary of the Senate

By: Smithree Creighton

H.B. No. 2776

Substitute the following for H.B. No. 2776:

By: *[Signature]*

C.S. H.B. No. 2776

A BILL TO BE ENTITLED

AN ACT

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relating to the right of certain appellants to supersede a judgment or order on appeal.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 22.004, Government Code, is amended by adding Subsection (i) to read as follows:

(i) The supreme court shall adopt rules to provide that the right of an appellant under Section 6.001(b)(1), (2), or (3), Civil Practice and Remedies Code, to supersede a judgment or order on appeal is not subject to being counter-superseded under Rule 24.2(a)(3), Texas Rules of Appellate Procedure, or any other rule. Counter-supersedeas shall remain available to parties in a lawsuit concerning a matter that was the basis of a contested case in an administrative enforcement action.

SECTION 2. The Texas Supreme Court shall adopt the rules required by Section 22.004(i), Government Code, as added by this Act, before May 1, 2018.

SECTION 3. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 23, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2776 by Smithee (Relating to the right of certain appellants to supersede a judgment or order on appeal.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code to require the Supreme Court to adopt new rules regarding the security needed to supersede a judgment during appeal, but provides that the security needed to supersede a judgement during an appeal shall remain available to parties in a lawsuit concerning an administrative enforcement action. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, SD, AG, LBO, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 19, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB2776** by Smithee (Relating to the right of certain appellants to supersede a judgment or order on appeal.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Supreme Court to adopt new rules regarding the security needed to supersede a judgment during appeal, but provides that the security needed to supersede a judgement during an appeal shall remain available to parties in a lawsuit concerning an administrative enforcement action. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, AG, LBO, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 11, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2776 by Smithee (Relating to the right of certain appellants to supersede a judgment or order on appeal.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Supreme Court to adopt new rules regarding the security needed to supersede a judgment during appeal. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, AG, LBO, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 8, 2017

TO: Honorable John T. Smithee, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2776 by Smithee (Relating to the right of certain appellants to supersede a judgment or order on appeal.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to require the Supreme Court to adopt new rules regarding the security needed to supersede a judgment during appeal. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, LBO, GDz